PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Christina L. Vann

Applicant	: Seth Weisberg, et al.	Confirmation No. 5093
Application No.	: 09/788,069	
Filed	: February 16, 2001	
Title	: ON-LINE VALUE-BEARING INDICIUM PRINTING USING DSA	
Grp./Div.	: 3621	
Examiner	: Firmin Backer	
Docket No.	: 41232/S850	

SUBMISSION OF APPELLANT'S BRIEF (1.192)
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
December 15, 2006

Commissioner:

Enclosed for filing is the Appellant's Brief for this application and:

__X__ Our check for $500 to cover the fee for the appeal brief is enclosed.

The Commissioner is hereby authorized to charge any further fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By _____
Raymond R. Tabandeh
Reg. No. 43,945
626/795-9900

RRT/clv

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1. REAL PARTY IN INTEREST

Seth Weisberg and Craig L. Ogg, the parties named in the caption, assigned their rights to the invention disclosed in the subject application through an Assignment recorded on July 2, 2001 at reel 011948 and frame 0460 to Stamps.com, 3420 Ocean Park Boulevard, Suite 1040, Santa Monica, California 90405. Therefore, Stamps.com is the real party in interest.

2. RELATED APPEALS AND INTERFERENCES

There is another appeal pending for U.S. Application Serial No. 09/688,456 that may directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

The Notice of Appeal for the above Application was filed on December 20, 2005, however, there has not been any decision rendered by the Board for the above Application.

3. STATUS OF CLAIMS

Claims 1-41 stand rejected. Appellant appeals the rejection of claims 1-41.

4. STATUS OF AMENDMENTS

No amendments to the claims were submitted after the Final Office Action mailed August 30, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter of claims 1 and 30 relates to a method and a computer-readable storage medium embodying computer program instructions for printing a value bearing indicium (VBI). See page 6, lines 6-12. The method and the computer-readable storage medium include generating a message digest by hashing relevant information (page 8, lines 2-14); generating a textual representation of a digital signature from the message digest (page 8, lines 9-14); and generating a 2-D bar code comprising the relevant information (page 6, lines 19-22 and page 8, lines 9-14). The method and the computer-readable storage medium also include generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code (page 8, lines 9-14 and 25-32); and communicating the indicium from one of a plurality of stateless cryptomodules to one of a plurality of remotely located user computers, each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers (page 13, lines 1-7 and 20-23, and page 14, lines 21-25).

The subject matter of claim 12 relates to a data processing system for printing a value bearing indicium (VBI). See page 6, lines 6-12. The system includes one or more processors, at least one of which is associated with a stateless cryptomodule and another of which is associated with a user computer located remotely from the stateless cryptomodule, the stateless cryptomodule being one of a plurality of stateless cryptomodules, each stateless cryptomodule programmable to service any remotely located user computer (page 13, lines 1-7 and 20-23, and

page 14, lines 21-25). The system also includes one or more memories operably coupled to the processors and having program instructions stored therein (page 13, lines 23-27). The processors being operable to execute the program instructions, the program instructions include generating a message digest by hashing relevant information (page 8, lines 2-14); generating a textual representation of a digital signature from the message digest (page 8, lines 9-14); generating a 2-D bar code comprising the relevant information (page 6, lines 19-22 and page 8, lines 9-14); and generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code (page 8, lines 9-14 and 25-32).

The subject matter of claim 19 relates to a data processing system. See page 6, lines 6-12. The system includes a plurality of stateless cryptomodules and a plurality of remote user computers in communication with at least one of the plurality of stateless cryptomodules, each stateless cryptomodule being programmable to service any of the plurality of remote user computers (page 13, lines 1-7 and 20-23, and page 14, lines 21-25). The system also includes a processor; and a memory operably coupled to the processor (page 6, lines 1-6 and page 13, lines 23-27) and having program instructions stored therein, the processor being operable to execute the program instructions, the program instructions including (page 13, lines 1-7 and 20-23, and page 14, lines 21-25). The processor being operable to execute the program instructions, the program instructions include generating a message digest by hashing relevant information (page 8, lines 2-14); generating a textual representation of a digital signature from the message digest (page 8, lines 9-14); generating a 2-D bar code comprising the relevant information (page 6, lines 19-22 and page 8, lines 9-14); and generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code (page 8, lines 9-14 and 25-32).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-41 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lewis et al., U.S. 6,223,565 ("Lewis") in view of Pang et al., U.S. 6,446,204 ("Pang").

7. ARGUMENT

A. Rejection of claims 1 and 30 as being unpatentable over Lewis in view of Pang.

To establish a *prima facie* case of obviousness the Examiner must show that the cited references teach or suggest each of the elements of the claim.

In regard to claims 1 and 30, these claims include the elements of "generating a textual representation of a digital signature from the message digest," "generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code," and "each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers." Appellant believes that the Patent Office has failed to establish that the cited references teach or suggest each of these elements of claims 1 and 30, and therefore has failed to establish a *prima facie* case of obviousness for claims 1 and 30.

With respect to limitation of "generating a textual representation of a digital signature from the message digest," Lewis does not teach or suggest this limitation. Appellant respectfully submits that the Examiner has committed a clear error in asserting that FIGs. 4A and 4B of Lewis teach "a textual representation of a digital signature from the message digest." Because, the only textual representations in FIGs. 4A and 4B of Lewis are the meter number, the postage amount, the date, the class of postage, and an address, none of which is "a textual representation of a digital signature [generated] from the message digest." Additionally, Pang does not cure the above deficiency of Lewis, because Pang does not disclose any textual representation of a digital signature. Thus, the cited references fail to teach or suggest this element of claims 1 and 30.

With respect to limitation of "wherein the indicium includes the textual representation of the digital signature and the 2-D bar code," Lewis does not teach or suggest this limitation. Firstly, as discuss above, Lewis does not teach a textual representation of a digital signature. Secondly, Lewis does not teach such an indicium that includes a textual representation of a digital signature and a 2-D bar code, because, the only textual representations in FIGs. 4A and 4B of Lewis are the meter number, the postage amount, the date, the class of postage. Again, Pang does not cure the above deficiency of Lewis, because Pang does not disclose any textual representation of a digital signature. As a result, the cited references fail to teach or suggest this element of claims 1 and 30.

With respect to limitation of "each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers," the Examiner admits that Lewis does not teach this limitation. (Final Office action, page 2, middle of third paragraph.). Appellant respectfully submits that the Examiner has committed a clear error in asserting that Pang teaches the above limitation. In the cited portion of Pang, a "system 600 includes an authentication server 252 that is connected to multiple dispatchers 214, 220 and 226 through object request broker 282. Authentication server 252 comprises an authentication engine 602, an authentication host 604 and a plurality of authentication service providers (simply referred to as providers) 606, 608, 610 and 612." (Col. 18, line 64 - col. 19, line 3.).

The Examiner construes the authentication service providers 606, 608, 610 and 612 as the stateless cryptomodules of the claimed invention, however, Pang is very clear that these providers 606, 608, 610 and 612 can NOT "service any of the plurality of remotely located user computers." Rather, a request is forwarded to an appropriate provider and not any provider (col. 19, lines 13-14), because "[e]ach provider provides a specific authentication function to restrict access to a particular cartridge. For example, a BASIC provider may be associated with the authentication host and used to restrict cartridge access to only those browser requests that are associated with a particular username and password pair." (Col. 20, lines 25-31.). Therefore, each provider of Pang can NOT "service any of the plurality of remotely located user computers." Therefore, the cited references fail to teach or suggest this element of claims 1 and 30.

As a result, the Patent Office has failed to establish that the cited references teach or suggest all of the elements of the claims 1 and 30. Accordingly, it is respectfully requested that the obviousness rejection of claims 1 and 30 be overturned.

B. Rejection of claims 2-11 and 31-34 as being unpatentable over Lewis in view of Pang.

In regard to claims 2-11 and 31-34, these claims depend from independent claims 1 and 30, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in

regard to claims 1 and 30, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

C. Rejection of claims 12 and 19 as being unpatentable over Lewis in view of Pang.

Independent claims 12 and 19 include, among other limitations, "each stateless cryptomodule programmable to service any remotely located user computer," "generating a text representation of a digital signature," and "generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code." As explained above, with respect to claims 1 and 30, neither Lewis nor Pang, alone or in combination teach or suggest the above limitations. As a result, independent claims 12 and 19 are also patentable in view of Lewis and Pang.

D. Rejection of claims 13-18 and 20-29 as being unpatentable over Lewis in view of Pang.

In regard to claims 13-18 and 20-29, these claims depend from independent claims 12 and 19, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claims 12 and 19, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

E. Rejection of claim 35 as being unpatentable over Lewis in view of Pang.

Independent claim 35 recites "A value bearing indicium (VBI) comprising: a 2-D barcode including relevant information; and a text representation of a digital signature generated from a message digest, the message digest generated using a secure hash algorithm to hash the relevant information, wherein the 2-D bar code excludes the digital signature." First, as discussed above, neither Lewis nor Pang, alone or in combination teach or suggest the limitation of "a text representation of a digital signature generated from a message digest." Second, neither Lewis nor Pang, alone or in combination teach or suggest the limitation of "wherein the 2-D bar code excludes the digital signature," because as clearly stated by Lewis, the 2-D bar code of FIGs. 4A and 4B includes the digital signature, in fact, the 2-D bar code is the digital signature.

As a result, for at least the above two reasons, the Patent Office has failed to establish that the cited references teach or suggest all of the elements of the claim 35. Accordingly, it is respectfully requested that the obviousness rejection of claim 35 be overturned also.

F. Rejection of claims 36-41 as being unpatentable over Lewis in view of Pang.

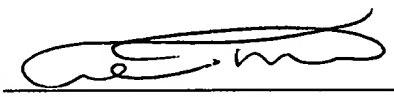
In regard to claims 36-41, these claims depend from independent claim 35, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 35, these claims are not obvious over the cited references. Accordingly, it is requested that the obviousness rejection of these claims be overturned.

Conclusion

Accordingly, it is submitted that the rejections of claims 1-41 based on 35 U.S.C. § 103(a) be overturned.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

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8. CLAIM APPENDIX

1. A method of printing a value bearing indicium (VBI), the method comprising the steps of:

generating a message digest by hashing relevant information;

generating a textual representation of a digital signature from the message digest;

generating a 2-D bar code comprising the relevant information;

generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code; and

communicating the indicium from one of a plurality of stateless cryptomodules to one of a plurality of remotely located user computers, each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers.

2. The method of claim 1, wherein the VBI is a ticket.

3. The method of claim 1, wherein the VBI is a coupon.

4. The method of claim 1, wherein the VBI is a traveler's check.

5. The method of claim 1, wherein the VBI is currency.

6. The method of claim 1, wherein:

the representation of the digital signature further includes a right side;

the 2-D bar code further includes a left side; and

the representation of the digital signature right side is adjacent to the 2-D bar code left side.

7. The method of claim 1, wherein:

the representation of the digital signature further includes a top side;

the bar code further includes a bottom side; and

the representation of the digital signature top side is adjacent to the 2-D bar code bottom side.

8. The method of claim 1, wherein:

the representation of the digital signature further includes a bottom side;

the bar code further includes a top side; and

the representation of the digital signature bottom side is adjacent to the 2-D bar code top side.

9. The method of claim 1, wherein:

the representation of the digital signature further includes a right side;

the bar code further includes a left side; and

the representation of the digital signature right side is adjacent to the 2-D bar code left side.

10. The method of claim 1, wherein the VBI is postage for a mail piece.

11. The method of claim 10, the relevant information including one or more of an indicium version number, an algorithm identifier, a certificate serial number, a postage security device manufacturer identifier, a postage security device model identifier, a postage security device serial number, an ascending register value, a postage amount, a date of mailing, a licensing postal code, a software identifier, a descending register value, and a rate category.

12. A data processing system adapted to print a value bearing indicium (VBI), the data processing system comprising:

one or more processors, at least one of which is associated with a stateless cryptomodule and another of which is associated with a user computer located remotely from the stateless cryptomodule, the stateless cryptomodule being one of a plurality of stateless cryptomodules, each stateless cryptomodule programmable to service any remotely located user computer; and

one or more memories operably coupled to the processors and having program instructions stored therein, the processors being operable to execute the program instructions, the program instructions including:

generating a message digest by hashing relevant information;

generating a text representation of a digital signature;

generating a 2-D bar code comprising the relevant information; and

generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code.

13. The data processing system of claim 12, wherein:

the representation of the digital signature further includes a right side;

the 2-D bar code further includes a left side; and

the representation of the digital signature right side is adjacent to the 2-D bar code left side.

14. The data processing system of claim 12, wherein:

the representation of the digital signature further includes a top side;

the bar code further includes a bottom side; and

the representation of the digital signature top side is adjacent to the 2-D bar code bottom side.

15. The data processing system of claim 12, wherein:

the representation of the digital signature further includes a bottom side;

the bar code further includes a top side; and

the representation of the digital signature bottom side is adjacent to the 2-D bar code top side.

16. The data processing system of claim 12, wherein:

the representation of the digital signature further includes a left side;

the 2-D bar code further includes a left right; and

the representation of the digital signature left side is adjacent to the 2-D bar code right side.

17. The data processing system of claim 12 wherein the data processing system is a closed metering system.

18. The data processing system of claim 12 wherein the data processing system is an open metering system.

19. A data processing system comprising:

a plurality of stateless cryptomodules and a plurality of remote user computers in communication with at least one of the plurality of stateless cryptomodules, each stateless cryptomodule being programmable to service any of the plurality of remote user computers, wherein the data processing system is adapted to print a VBI;

a processor; and

a memory operably coupled to the processor and having program instructions stored therein, the processor being operable to execute the program instructions, the program instructions including:

generating a message digest by hashing relevant information;

generating a text representation of a digital signature;

generating a 2-D bar code comprising the relevant information; and

generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code.

20. The data processing system of claim 19, wherein:

the representation of the digital signature further includes a right side;

the 2-D bar code further includes a left side; and

the representation of the digital signature right side is adjacent to the 2-D bar code left side.

21. The data processing system of claim 19, wherein:
the representation of the digital signature further includes a top side;
the 2-D bar code further includes a bottom side; and
the representation of the digital signature top side is adjacent to the 2-D bar code bottom side.

22. The data processing system of claim 19, wherein:
the representation of the digital signature further includes a left side;
the 2-D bar code further includes a right side; and
the representation of the digital signature left side is adjacent to the 2-D bar code right side.

23. The data processing system of claim 19, wherein:
the representation of the digital signature further includes a bottom side;
the 2-D bar code further includes a top side; and
the representation of the digital signature bottom side is adjacent to the 2-D bar code top side.

24. The data processing system of claim 19, wherein the VBI is postage for a mail piece.

25. The data processing system of claim 19, wherein the VBI is a ticket.

26. The data processing system of claim 19, wherein the VBI is a coupon.

27. The data processing system of claim 19, wherein the VBI is a traveler's check.

28. The data processing system of claim 19, wherein the VBI is currency.

29. The data processing system of claim 19, wherein the VBI is postage for a mail piece.

30. A computer-readable storage medium embodying computer program instructions for execution by a computer, the computer program instructions adapting a computer to provide a value bearing indicium to a user via a computer network, the computer program instructions comprising:

generating a message digest by hashing relevant information;

generating a textual representation of a digital signature from the message digest;

generating a 2-D bar code comprising the relevant information;

generating the indicium, wherein the indicium includes the textual representation of the digital signature and the 2-D bar code; and

communicating the indicium from one of a plurality of stateless cryptomodules to one of a plurality of remotely located user computers, each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers.

31. The computer-readable storage medium of claim 30, wherein:

the representation of the digital signature further includes a right side;

the 2-D bar code further includes a left side; and

the digital signature right side is adjacent to the 2-D bar code left side.

32. The computer-readable storage medium of claim 30, wherein:

the representation of the digital signature further includes a top side;

the 2-D bar code further includes a bottom side; and

the representation of the digital signature top side is adjacent to the 2-D bar code bottom side.

33. The computer-readable storage medium of claim 30, wherein:

the representation of the digital signature further includes a left side;

the 2-D bar code further includes a right side; and

the representation of the digital signature left side is adjacent to the 2-D bar code right side.

34. The computer-readable storage medium of claim 30, wherein:

the representation of the digital signature further includes a bottom side;

the 2-D bar code further includes a top side; and

the representation of the digital signature bottom side is adjacent to the 2-D bar code top side.

35. A value bearing indicium (VBI) comprising:

a 2-D barcode including relevant information; and

a text representation of a digital signature generated from a message digest, the message digest generated using a secure hash algorithm to hash the relevant information, wherein the 2-D bar code excludes the digital signature.

36. The VBI of claim 35, wherein:

the VBI is postage for a mail piece; and

the relevant information is mailing information.

37. The VBI of claim 36, the mailing information including one or more of an indicium version number, an algorithm identifier, a certificate serial number, a postage security device manufacturer identifier, a postage security device model identifier, a postage security device serial number, an ascending register value, a postage amount, a date of mailing, a licensing postal code, a software identifier, a descending register value, and a rate category.

38. The method of claim 1, wherein each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers includes accessing user data from a database.

39. The data processing system of claim 12, wherein each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers includes accessing user data from a database.

40. The data processing system of claim 19, wherein each stateless cryptomodule being programmable to service any of the plurality of remote user computers includes accessing user data from a database.

41. The computer readable storage medium of claim 30, wherein each stateless cryptomodule being programmable to service any of the plurality of remotely located user computers includes accessing user data from a database.

9. EVIDENCE APPENDIX

None

10. RELATED PROCEEDING APPENDIX

U.S. Application Serial No. 09/688,456 that may directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal. The Notice of Appeal for the above Application was filed on December 20, 2005, however, there has not been any decision rendered by the Board for the above Application.